

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION

UNITED STATES OF AMERICA

v.

(1) STEVEN CHASE

) DOCKET NO.: 5:15CR15-RLV

)

) **MOTION TO CONTINUE**

) **DOCKET CALL/TRIAL AND FOR**

) **PEREMPTORY SETTING**

)

)

NOW COMES the United States of America, by and through Jill Westmoreland Rose, United States Attorney for the Western District of North Carolina, and respectfully requests that this Court continue the docket call and trial in the above-captioned matter, presently scheduled for May 2, 2016. Furthermore, the United States respectfully requests that this Court set a date for the commencement of this case. Defendant does not object to this motion. In support of this motion, the United States asserts the following:

1. A federal grand jury indicted Defendant on or about February 18, 2015 and charged him with violations of 18 U.S.C. § § 2252(g), 2252(d) and (e), 2252A(a)(1), and 2252A(a)(5)(B). The indictment was superseded on March 17, 2015, and August 19, 2015 to add additional defendants and charges.
2. Defendant made his initial appearance in the Western District of North Carolina on March 25, 2015 and was ordered detained. On April 16, 2015, Defendant filed a motion to continue his trial, which was granted. On June 29, 2015, Defendant's trial date was again continued when a codefendant's case was continued. Defendant filed subsequent motions to continue his trial on August 20, 2015 and October 16, 2015,

which were also granted. Finally, the trial was continued on the Court's motion until the issue of Defendant's competency to stand trial was resolved.

3. A competency hearing was held on April 27, 2016. Defendant was found competent to proceed and Defendant is currently set for trial on May 2, 2016. His codefendants have entered guilty pleas.
4. An essential government witness will be unavailable periodically over the next few months. This witness is the case agent, and is expected to provide important testimony regarding the investigation, including but not limited to: the identification of Defendant, the search of Defendant's residence and Defendant's arrest.
5. This witness had been available to testify during each of the previous trial dates, which were continued either on Defendant's or the Court's motion. However, this witness will be unavailable at various times during the upcoming months. The witness has already been scheduled to testify in numerous courts over the next two months. Currently, he is scheduled to testify during each of the following weeks: May 9, 2016; May 16, 2016; May 30, 2016; June 6, 2016; June 13, 2016; and on June 23, 2016. The witness is also unavailable during the month of July as he resides in another state and will be the sole caretaker of family member during that month. He is available during the months of August through October.
6. Additionally, the government anticipates calling witnesses from Maryland, Maine, Florida, and possibly other states to testify at trial.
7. The government seeks peremptory setting for a date certain as a peremptory setting would insure the availability of the government's witnesses and allow the witnesses to

make travel arrangements. The government respectfully requests that the court set this case to begin the week of June 27, 2016.

8. The government has previously consulted with defense counsel on this motion. Defense counsel does not object to the motion to continue. Furthermore, defense counsel does not object to the request for a peremptory setting. Defense counsel has indicated his investigator is unavailable the week of June 20, 2016, and he has a sentencing hearing already set on the afternoon of June 27, 2016, but would be available to start on June 28, 2016.

For the reasons stated herein, the United States respectfully requests that the Court continue the docket call and trial for Defendant from the May 2, 2016 docket and set a date for the commencement of this case.

Respectfully submitted this day, April 28, 2016.

JILL WESTMORELAND ROSE
UNITED STATES ATTORNEY

s/ Cortney S. Randall
Assistant United States Attorney
NC Bar Number: 31510
Attorney for the United States
United States Attorney's Office
227 West Trade Street, Suite 1650
Charlotte, North Carolina 28202
Telephone: 704.344.6222
Fax: 704.344.6629
E-mail: cortney.randall@usdoj.gov

s/ Reginald E. Jones
Trial Attorney
Maryland Bar Number MS102806
Attorney for the United States

U.S. Department of Justice, Criminal Division
Child Exploitation and Obscenity Section
Telephone: 202.616.2807
Reginald.Jones4@usdoj.gov

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this day, April 28, 2016, the foregoing was duly served upon counsel for the defendant by electronic means via the Court's ECF system to:

Peter Adolf
Attorney for Defendant
Peter_Adolf@fd.org

//s// CORTNEY S. RANDALL
Assistant United States Attorney